

Appl. No. 10/719,259  
Atty. Docket No. 9437Q  
Amdt. dated February 1, 2006  
Reply to Office Action of November 1, 2005  
Customer No. 27752

### REMARKS

#### Claim Status

Claims 1-3, 5-13 and 15-19 are pending in the present application. No additional claims fee is believed to be due.

Claims 4 and 14 have been cancelled.

Claims 1 and 10 have been amended by inserting the words, "wherein along their lengths there are multiple widths between a first distal vertex and a second distal vertex." Support for this amendment is found at page 7, lines 22-24 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

#### Rejection Under 35 U.S.C. §102 Over 2002/0151859 (Schoelling)

Claims 1-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Schoelling.

With respect to the novelty of claims 1-3, 5-13 and 15-19: Applicants respectfully traverse the rejection. It was stated in the Office Action that Schoelling teaches a tampon made of compressed fibrous material with an insertion end, a recovery end, a longitudinal and radial axis, and an outer surface with longitudinal ribs (first and second surfaces) that form vertexes in both the distal and proximal portions of the tampon whereas a vertex is defined as a point of intersection of lines, with respect to claims 1 and 10 of this application. The Office Action further states that the surfaces, grooves or ribs taught by Schoelling are indeed spirally shaped, and the vertexes are evenly spaced as shown in Figure 1 and stated in Paragraph 0009. (Office Action Page 2, Paragraph 2)

Claims 1 and 10 have been amended by inserting the words, "wherein along their lengths there are multiple widths between a first distal vertex and a second distal vertex." Support for this amendment is found on Page 7, Lines 22-24. Schoelling does not disclose a tampon wherein there are multiple widths between a first and second distal

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vertex. Rather, as noted in the Office Action the vertexes in Schoelling are evenly spaced.

Accordingly, the Applicants respectfully submit that claims 1 and 10 and their dependent claims 2-3, 5-9, 11-13 and 15-19 are novel over Schoelling and the rejection should be withdrawn.

#### Double Patenting

Claims 1-19 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/719,785.

In response Applicants are filing a terminal disclaimer to obviate a provisional double patenting rejection over a pending application (10/719,785) which is attached to this response.

Claims 1-19 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/719,799.

In response Applicants are filing a terminal disclaimer to obviate a provisional double patenting rejection over a pending application (10/719,799) which is attached to this response.

#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the double patenting rejections and the rejection under 35 U.S.C. §102. Early and favorable action in the case is respectfully requested.


This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3, 5-13 and 15-19 is respectfully requested.

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Respectfully submitted,

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